

In the United States District Court  
Northern District of Oklahoma

United States of America

v.

Lindsey Kent Springer

09-CR-043 **FILED**

MAY 16 2011

Motion to Proceed IFP.

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

Lindsey K. Springer ("Springer") moves this Court for an Order waiving filing fees for appeal 11-5053 to the 10<sup>th</sup> Circuit.

This Court has previously found Springer paupers under the CJA for providing witnesses at trial.

This Court also found Springer paupers in 10-5156.

The issues in this appeal relate to the decision not to suppress evidence based upon a determination when the U.S. Attorney received institutional referral and the theory that such referral took place on June 3, 2005 while on September 16, 2005, the 11 Special Agents and 2 AUSA Horn and Nelson, each declared the IRS was institutionally conducting a criminal investigation.

These two theories cannot stand together. Either no prosecutorial referral exists or the evidence obtained, and the search warrant are unlawful.

Springer pointed to Mr. Shern's post

☒ Mail ☐ No Cert Svc ☐ No Orig Sign  
☐ C/J ☐ C/MJ ☐ C/Ret'd ☐ No Env  
☐ No Cyps ☒ No Env/Cyps ☐ O/J ☐ O/MJ

trial knowledge, or lack thereof, the October 13, 2010 order in 09-5088, and the 13 persons declaring in 06-CV-156 that they did not rely upon the June 3, 2005 referral theory in 06-CV-156 dated January 28, 2011.

As this Court is aware, a week before trial, the Tax Division revealed the U.S. Attorney was conducting a Grand Jury related to internal revenue on October 6, 2004.

The totality of these circumstances shows the Court's decision on its Jurisdiction and/or its decision related to suppression and Franks should be reversed.

This appeal is in reality one case and Springer paid the filing fee in 10-5055.

Springer attaches to this Motion his affidavit for IFP, Exh. 1

This Court waived the fees in 10-5156.

Springer receives between 0 to \$18.00 per month working for the prison and \$50.00 per week from his family mostly used for copy expenses, stamps, emails, to Counsel and necessary needs including phone and toiletries.

Springer cannot pay the filing fees in addition to all the expenses in his appeals and for these reasons request this Court waive fees. This is really one appeal.

## Conclusion

Springer request this Court waive the Filing Fees in 11-5053

Respectfully

Lindsay Springer  
#02580-063  
FCI Big Spring  
1900 Simler Ave  
Big Spring TX 79720

## Certificate of Service

I hereby Certify that I mailed Motion to Proceed TFP to the Court Clerk, 333 W. 4<sup>th</sup> St, Tulsa Okla. 74103.

I Further Certify that all parties to this case receive Service Through the Court's ECF System:

Charles O'Reilly  
Oscar Stille

5.11.11

Lindsay Springer

I declare under penalty of perjury I placed this Motion in U.S. Mail at FCI Big Spring, Big Spring Texas on 5.11.11.

Lindsay Springer